



## City of Salinas

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Vanessa W. Vallarta, City Attorney  
Susan J. Matcham, Asst. City Attorney  
Christopher A. Callihan, Sr. Deputy City Attorney  
Georgina B. Mendoza, Deputy City Attorney

December 3, 2007

**Via Electronic Mail and U.S. Mail**

Dominic Roques, Engineering Geologist  
Donette Dunaway, Engineering Geologist  
California Regional Water Quality Control Board  
Central Coast Region  
895 Aerovista Place, Suite 101  
San Luis Obispo, California 93401-7906

**Re: City of Salinas's Comments on the June 2007 Stormwater Management Plan  
Analysis and Required Revisions**

TO THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, CENTRAL  
COAST REGION

In accordance with the adoption process set forth by Regional Board staff in its Notice of Posting, the City of Salinas respectfully submits these Comments on the June 2007 SWMP Analysis and Required Revisions prepared by Central Coast Regional Water Board ("Regional Board") staff and posted with the June 2007 version of the City of Salinas's Stormwater Management Plan ("SWMP"). These Comments are reflective of a discussion had among City staff and Regional Board staff on September 25, 2007 and are organized to correspond with the reference numbers indicated on the Table of June 2007 SWMP Analysis and Required Revisions.

The City acknowledges that in order for the June 2007 SWMP to be approved, when implemented in full it must meet the Maximum Extent Practicable ("MEP") standard. As acknowledged by City staff and Regional Board staff in its October 2, 2007 letter, the SWMP will meet the MEP standard with incorporation of the required revisions. With a few very limited exceptions, the City accepts the Regional Board staff's Required Revisions. Accordingly, upon consideration of the following comments, the City requests the Regional Board approve the City of Salinas's June 2007 SWMP.

**Response 1.**

Comment noted. The SWMP will be revised accordingly.

**Response 2.**

At the end of each chapter of the SWMP is a table providing a Summary of Best Management Practices applicable to that chapter. Each table includes a column labeled "Year" which indicates the year during which each BMP will be completed. Each BMP will be completed by the end of the year shown in the column, unless specifically stated otherwise. When more than one year is shown in the Year column, the BMP will be completed in each of the years shown.

**Response 3.**

Comment noted. The SWMP will be revised accordingly.

**Response 4.**

Where possible and practicable, all documents referenced in the SWMP that can be posted to the City's website will be, and the URL for each of those documents will be incorporated into the SWMP. Those documents which may not be posted due to the sensitive, proprietary or otherwise confidential content will not be posted to the City's website, but will be made available for inspection and review upon request. In such cases, where electronic posting is not possible or practicable, those documents will be made available for public review and the method and location for public viewing will be described in the SWMP.

**Response 5.**

Comment noted. See Response 4, above.

**Response 6.**

Comment noted. The SWMP will be revised accordingly.

**Response 7.**

Comment noted. The SWMP will be revised accordingly.

**Response 8.**

Comments noted. With regard to Required Revision 1, see Response 4, above. With regard to Required Revisions 2 and 3, the SWMP will be revised accordingly.

**Response 9.**

Comment noted. The SWMP will be revised accordingly.

**Response 10.**

Comments noted. The SWMP will be revised accordingly.

**Response 11.**

Comment noted. The SWMP will be revised accordingly.

**Response 12.**

The City has adopted a list of approved street trees from which property owners and/or development interests may select for inclusion in their developments. The list includes only those genus and species of trees that are relatively pest free and therefore require no chemical application. In addition, the City has a list of plant material suitable for planting in Low Impact Development features, including vegetated swales. These plants have physical properties that allow them to take-up water and some nutrients that may be found in urban runoff. Additional BMPs are unnecessary as the goal is that all development will use only listed trees and other vegetation.

**Response 13.**

Comment noted. The SWMP will be revised accordingly.

**Response 14.**

Comment noted. The SWMP will be revised accordingly.

**Response 15.**

Comment noted. See Response 4, above.

**Response 16.**

Comment noted. The SWMP will be revised accordingly.

**Response 17.**

Comment noted. The SWMP will be revised accordingly.

**Response 18.**

Comment noted. See Response 4, above.

**Response 19.**

On January 30, 2007, the City provided then Acting Executive Officer, Michael Thomas, with a written response to Kennedy/Jenks Consultants' Technical Memorandum No. 1. This same letter was also presented to the Regional Board at its February 9, 2007 meeting held in Salinas, California. In that letter, the City acknowledged the recommended modifications and indicated the manner in which such recommended modifications would be incorporated into the City's codes, ordinances and standards; however, the City's position, as stated in that January 30, 2007 letter, is essentially that the modifications recommended in Technical Memorandum No. 1 do not resolve conflicts between City codes, documents, and standards on the one hand, and the NPDES program on the other hand. Furthermore, the recommended modifications do not necessarily provide foreseeable water quality runoff improvements in the City; rather, the majority of recommended modifications either duplicate existing requirements of City codes, ordinances, and standards or simply add editorial commentary regarding an existing requirement. On September 25, 2007, Regional Board staff indicated their acceptance of the City's response to Technical Memorandum No. 1 and further indicated the City had adequately addressed this Required Revision and no further action was necessary.

A copy of the January 30, 2007 letter is attached to these Comments as Attachment A.

**Response 20.**

Comment noted. The SWMP will be revised accordingly.

**Response 21.**

Comment noted. The SWMP will be revised accordingly.

**Response 22.**

Comment noted. The SWMP will be revised accordingly.

**Response 23.**

Comment noted. The SWMP will be revised accordingly.

**Response 24.**

Comment noted. The SWMP will be revised accordingly.

**Response 25.**

Comment noted. The SWMP will be revised accordingly.

**Response 26.**

Comment noted. The SWMP will be revised accordingly.

**Response 27.**

Comment noted. The SWMP will be revised accordingly; however, it is important to note that as the City has no control over teacher attendance or participation in training programs, a measurable goal similar to the example provided in this Comment may be difficult to achieve.

**Response 28.**

The City's NPDES Permit (Section VII, h) requires the City to conduct, at a minimum, two public awareness surveys during the Permit term. The City conducted its first survey in the second year of the Permit term and will conduct a second survey during the fourth year. As reported in the Reporting Year 2005-2006 Annual Report, the first survey method proved less effective than expected at meeting City goals. Accordingly, the City is proposing to conduct its second survey using a different method. As reported, this will likely be a written survey prepared and mailed out to City residents in collaboration with the City's franchise waste hauler, BFI. This approach is consistent with the City's NPDES Permit in that the City is required to measure the effectiveness of its BMPs and to make adjustments as needed. While changing the survey methodology between the first and second surveys will have some effect on the outcome, doing so is consistent with the requirements of the City's Permit. In the first year of the third permit term, the City will conduct a third survey mirroring the second survey process, provided the second survey method is effective. This will enable the City to measure community awareness early on in the third term and make warranted program adjustments.

With regard to the Comment on BMPs 6.17 and 6.11, the SWMP will be revised accordingly.

**Response 29.**

Comment noted. The SWMP will be revised accordingly.

**Response 30.**

Comment noted. The SWMP will be revised accordingly.

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**Response 31.**

Comment noted. The SWMP will be revised accordingly.

**Response 32.**

Comment noted. See Response 4, above.

**Response 33.**

Comment noted. The SWMP will be revised accordingly.

**Response 34.**

Comment noted. The SWMP will be revised accordingly.

**Response 35.**

Comment noted. The SWMP will be revised accordingly and see Response 4, above.

**Response 36.**

Comment noted. No revision to the SWMP is required.

**Response 37.**

Comment noted. The SWMP will be revised accordingly.

**Response 38.**

Comment noted. The SWMP will be revised accordingly.

**Response 39.**

This Recommended Revision references footnote 2 which addresses Best Management Practices ("BMPs") for stream, creek, riparian zones, and drainage course patterns. The BMPs listed in footnote 2 are unnecessary as setbacks are already adequately addressed in the City's General Plan.

The suggested BMPs require a minimum 35-foot setback from the City's creeks and Reclamation Ditch. City of Salinas General Plan Policy COS-17, however, requires a 100-foot setback from the City's creeks and the Reclamation Ditch. Development activities may be considered within the 100-foot setback area only for City in-fill projects if it is determined that

such encroachment will not have a significant adverse impact on riparian and wetland resources either because (1) the implementation of alternative mitigation measures will achieve a comparable or better level of mitigation than the strict application of the 100-foot setback, or (2) the property being developed is adjacent to a reclamation ditch, and no riparian or wetland resources are identified outside the areas of the improved ditch. In either case, such findings must be demonstrated and confirmed by a biotic resources study.

A copy of General Plan Policy COS-17 is attached to these Comments as Attachment B.

The BMPs listed in footnote 2 also fail to adequately consider concerns for the public safety and welfare: a complete prohibition on the clearing and removal of vegetation within the setback areas hinders the City's ability to conduct such activities that are otherwise necessary to maintain flood control. To the extent the free flow of water through the creeks and the Reclamation Ditch acts to mitigate the potential for flooding, a BMP that restricts the ability to clear and remove obstructions within the creeks and the Reclamation Ditch has the potential to jeopardize the public safety and welfare.

**Response 40.**

Comments noted. The SWMP will be revised accordingly.

**Response 41.**

Comments noted. City staff have already provided Regional Board staff a copy of the Salinas City Council adopted Storm Water Ordinance containing final signatures of the Mayor and of the City Clerk. The SWMP will be revised accordingly to include a copy of the final approved ordinance and will be further revised to indicate final ordinances are included in the SWMP.

**Response 42.**

Comment noted. City staff have already provided Regional Board staff a copy of the final adopted Resolution establishing the City's Grading Standards. The SWMP will be revised accordingly to include a copy of the final approved Grading Standards.

**Response 43.**

The City is committed to increasing the amount of public participation in the development of stormwater-related documents prepared by City staff for City Council consideration. The City will make all reasonable efforts to provide a thirty (30) day public review period for such stormwater-related documents; however, the City cannot be bound by such a requirement. A thirty-day public review period for stormwater-related documents is neither appropriate for incorporation into the City's SWMP as a BMP, nor appropriate as a requirement imposed upon the City under the City's Permit. Moreover, there is no need for a minimum public review

period as any member of the public may comment on any City ordinance, regulation or policy, including all stormwater-related documents already approved by the City Council, at any time and City staff are committed to addressing any comments so received.

On August 7, 2007, as the direct result of two members of the community expressing concern with regard to the limited public participation opportunities available and the short timeframes to review and comment on stormwater-related documents, the Salinas City Council formally created the Salinas NPDES Stakeholders Committee (the "Stakeholders Committee"). The Stakeholders Committee is diversely comprised of nine members of the community, each representing a distinct concern and responsibility of the Salinas area, including the Monterey Bay. The first meeting of the Stakeholders Committee was on October 1, 2007, and regular meetings have occurred since then. Through the initial meetings, the Stakeholders Committee reached consensus on their purpose or mission of their work: "The purpose of the NPDES Stakeholders Committee is to provide a balanced review of the City of Salinas's NPDES Program documents to be updated as part of the City's on-going compliance with its NPDES obligations." Each of the two community members who originally expressed concerns with the limited public participation opportunities is now a member of the Stakeholders Committee and is participating with City staff in the development of the City's stormwater related documents, beginning with the Storm Water Development Standards.

Thus, as the City Council has taken the action to form the Stakeholders Committee, and as the Stakeholders Committee regularly meets to provide the public an opportunity to participate in the development of the City's stormwater-related documents, this Required Revision has already been met; the City has already begun providing "more public notice and opportunity for public comment for stormwater-related documents prepared for City Council adoption" and is committed to continuing that process.

A copy of the Salinas City Council Staff Report through which the Stakeholders Committee was formed is attached as Attachment C.

Best Management Practices are generally defined in both the City's NPDES Permit<sup>1</sup> and by federal law as practices, control techniques and system, design and engineering methods which are appropriate to reduce the discharge of storm water pollutants to the maximum extent practicable.<sup>2</sup> A public comment period on storm-water related documents is not appropriately placed as a BMP in the City's SWMP: affording a 30-day public notice and comment period on storm-water related documents prepared for Salinas City Council adoption may serve to increase opportunities for public participation, but it will not serve to reduce the discharge of storm water pollutants to the maximum extent practicable.

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<sup>1</sup> The term "City's NPDES Permit" refers to Order No. R3-2004-0135, NPDES Permit No. CA0049981 issued to the City of Salinas on February 11, 2005.

<sup>2</sup> See the City's NPDES Permit, Attachment 1, Finding 12 and Finding 16, and 40 CFR 122.26(d)(2)(iv).

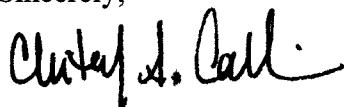


With regard to the education of and participation of the community in reducing storm water pollutants, the City acknowledges its obligations under Section VII of Attachment 4 to the City's NPDES Permit and federal law to establish a public education and participation component in its storm water management program.<sup>3</sup> However, neither the City's NPDES Permit nor the applicable provisions of federal law require a minimum public notice and comment period on the City's stormwater-related documents prepared for consideration by the Salinas City Council.

Under the City's NPDES Permit and federal law, the public education and participation component is intended to increase the public's knowledge regarding storm water systems, impacts of urban runoff on receiving waters, and potential BMP solutions. The City further acknowledges its obligation in this regard to "incorporate a mechanism for public participation in the implementation of the SWMP (e.g., programs that engage the public in cleaning up creeks, removal of litter in river embankments, and storm drain stenciling)." Such education and participation mechanisms are to include advertising; media relations; public service announcements; "How To" instructional material distributed in a targeted and activity-related manner; business, community association, and environmental organizational tie-ins; and events targeted to specific activities and population subgroups. The Environmental Protection Agency (EPA) recommends that this component may be met by making available opportunities for "members of the public to participate in program development and implementation include[ing] serving as citizen representatives on a local storm water management panel, attending public hearings...assisting in program coordination with other pre-existing programs." As discussed above, the Salinas City Council has directed the formation of an NPDES Stakeholders Committee formed for the purpose of facilitating a diverse public participation in the development of the City's stormwater related documents; therefore, the requirement to provide public notice and opportunity for public comment on stormwater-related documents prepared for City Council adoption is already being met.

The City appreciates the opportunity to comment on the Regional Board Staff's Required Revisions to the City of Salinas's SWMP. We understand these responses to comments will be posted on the Regional Board's website and that any other person may submit written comments thereon. We further understand the City will have the opportunity to submit written responses to any comments on the City's SWMP submitted during the 60-day comment period.

Sincerely,



Christopher A. Callihan  
Sr. Deputy City Attorney

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<sup>3</sup> See 40 CFR 122.26(d)(2)(iv) and 40 CFR 122.34(b)(2).

California Regional Water Quality Control Board, Central Coast Region  
Re: City of Salinas's Comments on June 2007 SWMP Analysis and Required Revisions  
December 3, 2007  
Page 10 of 10

CAC/ns

enclosures

cc: City Manager  
City Attorney  
Deputy City Manager/City Engineer  
Deputy City Engineer  
Senior Civil Engineer  
Maintenance Services Director  
Water Resources Planner  
Wastewater Manager



## City of Salinas

Development & Engineering Services Department \*  
200 Lincoln Avenue \* Salinas, California 93901

January 30, 2007

Mr. Michael Thomas  
Acting Executive Officer  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place Suite 101  
San Luis Obispo, CA 93401-7906

### **SUBJECT: CITY OF SALINAS RESPONSE TO TECHNICAL MEMO No. 1**

Dear Mr. Thomas:

This letter responds to Technical Memorandum No.1 ("Tech Memo No. 1") provided to the City of Salinas on December 31, 2006, by the Regional Water Quality Control Board's ("Regional Board") consultant, Kennedy/Jenks. Per the first Notice of Violation issued by the Regional Board on September 1, 2006, the City is required to "incorporate, formally address, or provide detailed plans on how all comments provided in this memorandum will be addressed, or provide justification acceptable to the Executive Officer for excluding or modifying any suggested revisions." The City has considered all the recommendations, and plans to incorporate most of the recommendations into its existing codes, ordinances, and standards. Details regarding the City's planned implementation schedule are listed below. Thus, with the timely submittal of this response, the City has met its obligations with regard to this requirement of the first Notice of Violation issued by the Regional Board on September 1, 2006.

It is significant to note that the requirement in the first Notice of Violation with regard to Tech Memo No. 1 pre-dates the actual release of Tech Memo No. 1 by Kennedy/Jenks by nearly four months. As such, the City would like to comment on the suggested modifications of the City's codes, ordinances, and standards contained in Tech Memo No. 1.

At the direction of the Regional Board, Kennedy/Jenks conducted a review of the City's codes, ordinances, and standards and has documented its review in a 43-page memorandum (Tech Memo No. 1). Tech Memo No. 1 contains numerous recommendations to modify the City's existing codes, ordinances, and standards to promote Low Impact Development (LID) concepts. These suggested modifications, however, do not resolve conflicts between City codes, documents, and standards (on the one hand), and the NPDES program (on the other). Nor will the recommended modifications necessarily provide foreseeable water quality runoff improvements in the City. Rather, the majority of recommended modifications either duplicates existing requirements of City codes, ordinances, and standards or simply adds editorial comments regarding an existing requirement.

For example, Tech Memo No. 1 recommends twenty-two modifications in the City's Zoning Code. The first two recommended modifications are shown below, as described in Tech Memo No. 1, with the recommended modification shown in italics:

"37-30.080(c) Commercial District Regulations – Site Planning - code promotes clustering of new structures and clustering of open space areas into larger landscaped areas. *This section could be strengthened to support NPDES permit compliance and LID by noting that clustering can facilitate the creation of areas for on-site storm water management practices.*"

"37-30.080(k)(3) Commercial District Regulations – Parking and Circulation – Common driveways and shared parking are encouraged. *This section could be strengthened to support LID by noting that common driveways help to minimize the amount of impervious surfaces and reduce runoff.*"

Absent from Tech Memo No. 1 is the acknowledgement of the existing City Zoning Code (approved in November 2006) requirement that all development be designed to meet the requirements of the City's NPDES permit and Development (LID) Standards, as follows:

37-50.180(k) Performance Standards – Stormwater and Water Quality Management – Parking lot and site design for all new and improved developments shall conform to the City's National Pollutant Discharge Elimination System (NPDES) Permit requirements; most recent edition adopted by the State Water Quality Control Board. Said requirements shall also include those contained in the most recently adopted/approved Salinas Design Standards, Development Standards, Grading Ordinance, Stormwater Management Plan, and Stormwater Management and Discharge Ordinance. Measures to reduce surface runoff from individual sites, encourage low impact development strategies/design, and ensure high quality water discharges therefore shall be included in all site designs to meet the goals, objectives, and standards of said City NPDES permit. (l) Evidence of Compliance – The City Planner shall require such evidence of compliance with performance standards as deemed necessary prior to approval of the development review application.

In view of this provision and similar existing requirements, the City currently has the ability to implement stormwater quality improvements in new developments without the need to incorporate most of the modifications suggested in Tech Memo No. 1. In fact, the City of Salinas understands that for public understanding and enforcement, the best way to manage, inform, enforce, and respond to evolving concerns like stormwater management in its codes and standards is for requirements to be specified in a select few documents. In this way, the public does not perceive that a stormwater design requires review of a myriad of ordinances, codes, and standards to follow and gain compliance. This also enhances public understanding and the City's ability to enforce these issues. Simple and concise information is also expected to enhance compliance with NPDES obligations. Further, future changes in the NPDES program and permit will not require an additional work effort to change the various documents; thus simplifying the process and minimizing potential conflicts therewith. While having duplicity of requirements may, at first glance, appear to be supportive of the policy, it is not necessarily beneficial.

The suggested modifications provided by Kennedy/Jenks in Tech Memo I are only from the perspective of LID enhancement. When determining whether modifications of its existing codes, ordinances, and regulations are appropriate, the City must often evaluate competing values and multitude of applicable state and federal regulations. The City must factor in considerations that may not be completely consistent with LID concepts and strategies. For example, specific requirements to minimize paving and enhance LID concepts may be detrimental to disabled access or public safety concerns.

City staff has worked in a diligent manner to revise its codes and standards. Working Draft revisions of the City's current Stormwater and Grading Ordinances were originally provided to Regional Board staff in 2005, and the more recent 2006 edition provided to Kennedy-Jenks in June 2006. The City of Salinas further plans to incorporate suggested modifications to its codes and standards as suggested from Tech Memo 1 in the following manner:

1. Stormwater Ordinance (2006 draft revised version)

All suggested modifications received regarding the Storm Water Ordinance will be incorporated. Furthermore, this ordinance will be merged with sections from the recommended Low Impact Development (LID) Ordinance provided by Kennedy Jenks (under contract to RWQCB). It is planned to be modified following the adoption of the Development Standards Plan (new) and go to a public hearing process in April 2007.

2. Grading Ordinance (2006 draft revised version)

All suggested modifications received regarding the Grading Plan will be incorporated with one change. The recommended change for maximum allowable slope from 2:1 to 3:1 will be modified to allow slopes greater than 3:1 (up to 2:1) provided sufficient demonstrated erosion control are placed. This is planned to go to the public hearing process at the same time as the new Stormwater Ordinance.

3. Standard Specifications, Design Standards, and Standard Plans (2004 edition)

This comprehensive document, as noted by Kennedy/Jenks, relates to stormwater primarily from the flood control aspects. All suggested modifications received regarding the City's Standard Specifications, Design Standards, and Standard Plans will be incorporated in the document. The revised document is currently scheduled for release in December 2007.

4. Zoning Code (2006 edition)

Suggested modifications will be considered at the time of the next zoning code revision. A revision date is currently not set, but is anticipated to occur in 2008.

5. General Plan (2002)

Kennedy/Jenks has indicated that the City's general plan has adequate foundation for the implementation of LID practices. As such, there are no suggested modifications or planned changes.

Mr. Michael Thomas  
Acting Executive Officer  
Central Coast Regional Water Quality Control Board  
January 30, 2007  
Page - 4 -

6. Storm Water Master Plan (2004)

CDM recommends updates of this infrastructure report every 5-10 years to reflect changing conditions and updated with NPDES storm water permit renewals. The City plans addendums to the current Plan in mid 2008 and 2011.

7. Miscellaneous Codes and Ordinances

Suggested modifications will be considered at the time of code/ordinance revision.

The City appreciates the opportunity to respond to Tech Memo No. 1. With the timely submittal of this written response, the City requests the Regional Board confirm the City's compliance with this requirement of the first Notice of Violation and confirm this alleged violation has been resolved and will not be the basis for further enforcement action. I look forward to receiving your written confirmation in this regard.

**CITY OF SALINAS**



**ROBERT C. RUSSELL, P.E.**  
Deputy City Manager and City Engineer  
City of Salinas

cc: Mayor and Councilmembers  
City Manager  
City Attorney  
Maintenance Services Director  
Donette Dunaway, Engineering Geologist  
Chris Conway, CPSWQ, Kennedy/Jenks

October 10, 2006

**COS-17**

**Setbacks and Open Space Easements to Protect Riparian and Wetland Corridors**

Require project developers to protect and enhance riparian corridors through setbacks and open space easements within development areas along Gabilan and Natividad Creeks and other streams in the planning area. Protect and enhance wetlands by requiring setbacks and open space easements within future development areas in the planning area. A 100-foot setback area shall be established along Gabilan and Natividad Creeks and other unnamed creeks within the planning area. The setback shall be measured from the top of bank, or outside edge of riparian woodland, whichever is greater. A 100-foot setback area shall be established along wetlands not associated with creeks (i.e., seasonal wetland swales or ponds) within the planning area. The riparian setback shall be measured from the top of bank, or outside edge of riparian woodland, whichever is greater. The wetland setback shall be measured from the outside edge of the wetland. Except as set forth below, development activities would be prohibited in the setback area; however, the City shall consider exceptions for passive recreational uses (i.e., trails, playfields, and picnic areas). Except as set forth below, no building or structure shall be developed in the setback area. The existing riparian woodland or wetland shall be protected from construction disturbance. Fencing shall be temporarily placed at the outside edge of the setback area ~~during construction~~. This fencing shall remain in-place until construction is complete. If recreational trails are placed within the buffer area, implement a re-vegetation program wherein a vegetative buffer is established between the trail and the outside edge of the riparian woodland.

For properties located in the City's existing boundary as indicated on Figure LU-1 of the General Plan Land Use Element, development activities may be considered within the setback area if the City Planner determines the encroachment will not have a significant adverse impact on the riparian and wetland resources either because: i) the implementation of alternative mitigation measures will achieve a comparable or a better level of mitigation than the strict application of the one hundred foot (100') setback, or ii) the property being developed is adjacent to a reclamation ditch, and no riparian or wetland resources are identified outside the areas of the improved ditch, as demonstrated and confirmed in either case by a biotic resources study (prepared for the City Planner by his or her designee). The applicant shall be responsible for the costs of the study, mitigation, and required monitoring.

**REPORT TO THE  
CITY COUNCIL**  
*City of Salinas, California*

Agenda Item Number

*CR-12*

Department Director Approval

*[Signature]*  
Finance Review

Attorney Review

*[Signature]*  
City Manager Approval

**DATE:** August 7, 2007

**FROM:** Chris Callihan,  
Senior Deputy City Attorney

**BY:** Robert C. Russell, P. E.;  
Deputy City Manager/City Engineer

Denise Estrada,  
Maintenance Services Director

**SUBJECT: CREATION OF SALINAS NPDES STAKEHOLDERS COMMITTEE**

**BACKGROUND**

Over the past two months, City Council has considered and adopted the Salinas Grading Standards update and Stormwater Ordinance update to comply with the City's National Pollutant Discharge Elimination System (NPDES) permit requirements and obligations. During the discussion of these documents, two members of the public voiced concern with regard to limited public participation in the process and the short timeframes to review and comment on draft documents. As part of Council's approval of the updated Stormwater Ordinance, Council directed staff to establish an NPDES Stakeholders Committee to consider and provide input into the other applicable documents that will be updated as part of the City's NPDES obligations.

City staff met in mid-July to identify those individuals and entities/organizations who have voiced a desire to participate in such a process, and other agencies/entities that should be participating in the process based on the impact these City policies may have on their interests. The group needs to represent the diversity of the issues, concerns and responsibilities of the Salinas area (including the Monterey Bay), and still be small enough to ensure efficiency and timeliness in developing document updates for Council's consideration by year's end (2007). Thus, staff proposes the following NPDES Stakeholders Committee, to consist of nine (9) representatives from key organizations/entities we believe will best address the needs and details contained in the remaining documents to be updated. The composition of the Committee will also ensure that the diverse interests of the Salinas area and Monterey Bay are properly represented. Thus, the proposed composition is as follows:



<b>PERSON</b>	<b>REPRESENTING</b>
Steve Shimeck*	Otter Project and Coast Keepers
Robin Lee*	Save the Whales and Return of the Natives
Gary Shallcross	Carr Lake Project / CSUMB
Ken Tunstall*	Tunstall Engineering
Dan Mathies *	Wood-Rodgers, Inc. (FGA Engineer)
Sue Shaffer *	Creekbridge Homes (FGA Developer)
Tracy Roberts	Farm Bureau - Agriculture Waiver Program
Bob Meyer	Monterey County Water Resource Agency
Benjamin Tiscareno	Planning Commissioner (and local architect)

\* Identifies those individuals who specifically requested to be included in the Committee.

With this composition, staff believes the diverse interests in our area are well served and represented, and that the best final product will be delivered to the City Council (and Regional Water Quality Control Board, as applicable) for consideration and final action.

Staff anticipates that the Committee will first establish a mission statement to identify expectations of the group and meeting protocol, then review the list of those documents still requiring update to comply with the City's NPDES obligations (per said City Permit), and then create a schedule to ensure completion of the development and review of said documents for Council consideration by November 2007.

### **THE ISSUE**

Shall Council accept the names and agencies proposed by staff to comprise the NPDES Stakeholders Committee and formally create said Committee?

### **CITY COUNCIL GOALS**

This action generally addresses the current Salinas City Council goals of Community Safety, Image and Community Outreach.

### **FISCAL IMPACTS**

The proposal will require a significant time commitment from City staff and Committee members, which is critical to complete the update of key documents required under the City's NPDES permit, which was approved in February 2005. This action will assist the City in fulfilling the federally mandated requirements under the NPDES program, which is important given Regional Board staff's historic recommendations to fine/penalize the City for non-compliance with our NPDES permit obligations.

## **CONCLUSIONS AND RECOMMENDATIONS**

At its meeting of August 7, 2007, Council is requested to accept the names and agencies proposed by staff to comprise the NPDES Stakeholders Committee and formally create said Committee.

## **DISTRIBUTION**

City Manager  
City Attorney  
All Departments

## **BACK UP PAGES**

None